GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR&RD Deptt.,- Sri K.T.Kondala Rao, former AE, PR, Mallayaputti, Srikakulam (now retired) – Allegations of corruption – Acquitted by the Special Judge for ACB Cases in CC No.7/92 – Further Action – Dropped – Period of suspension cant not be treated as spent on duty – OA No.9504/2008 filed by Sri K.T.Kondala Rao – Set aside – SCN Issued – Explanations called for – Explanation submitted - Regularization of the suspension period as "Not on duty" as per the provisions of FR 54-(B)(7) – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT(VIG.I) DEPARTMENT

G.O.Rt.No.830 Dated.24 .08.2015

Read the following:

1. ENC, PR Proceedings No.C6/1113/91, dt.22-3-1991.
2. Govt. Memo No.17815/Est.II/91-38, dt.24.7.96.
3. Judgement of Spl.Judge for ACB cases-cum-III Addl. Dist. & Sessions Judge, Visakhapatnam dt. 18-9-96 in CCNo.7/92.
4. From DG, ACB D.O.Lr.No.18/RCT-VSK/91-S12, dt.9.7.97
5. G.O.Rt.No.1102 PR&RD(Est.II) Dept., dt.21.8.97.
6. Order of H.C. of A.P. dt.22.12.2005 in Criminal Appeal No.209/2000.
7. Repn. of Sri K.T.Kondala Rao, AE, Dt.20.2.06.
8. From ENC(PR) Lr.No.Vig.III(4)/23304/92, dt.25.2.06.
9. Govt Memo.No.629/Vig.II/A2/2003, PR&RD(Vig.II) Department, Dt.26.09.2006.
10. Orders, Dt.10.03.2011 in OA No.9504/2008 of Hon'ble APAT.
11. Govt. Memo. No.21735/Vig.I/2008, PR&RD(Vig.I) Department, Dt.04.07.2015.
12. Repn. of Sri K.T.Kondala Rao, AE, Dt.09.07.2015.

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ORDER:

In the reference 1st read above, Sri K.T.Kondala Rao, formerly Assistant Engineer, PR, Mallayaputti, Srikakulam District (now retired), was placed under suspension on the allegations of corruption. In the reference 2nd read above, he was reinstated into service pending trial of the case before Anti-Corruption Bureau Court, Visakhapatnam. In the reference 3rd read above, the Special Judge for Anti Corruption Bureau cases, Visakhapatnam has acquitted the accused of the Charges under section 7 and 13(2) read with 13 (i) (e) of the P.C.Act, 1988.

2. In the reference 4th read above, Anti-Corruption Bureau has requested the Government to issue necessary orders ratifying the action of the Bureau in having filed criminal appeal in the Hon'ble High Court of A.P. against the acquittal Judgement of the lower Court in this case, in anticipation of Government orders. Action of the Anti-Corruption Bureau was ratified by the Government in the reference 5th read above.

3. In the reference 6th read above, the Hon'ble High Court of A.P. has dismissed the Criminal Appeal confirming the order of acquittal of the lower Court extending benefit of doubt.

4. In the reference 7th read above, Sri K.T.Kondala Rao, Assistant Engineer, has requested to treat the suspension period as duty in view of the above High Court order. In the reference 8th cited, the Engineer-in-Chief(Panchayat Raj) has requested the Government for issuing necessary orders in the matter.

5. After careful examination, Government vide reference 9th read above, have ordered that the period of suspension of Sri K.T.Kondala Rao, former Assistant Engineer from 22.3.1991 to 15.8.1996 cannot be treated as duty in terms of FR 54(B)(7) read with G.O.Ms.No.214 Fin. & Plg. (FW-FR-II) Dept.,dt.22-12-97 and G.O.Ms.No.3 Fin(FR.II) Dept., Dt.4.1.06.

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6. Aggrieved by the said orders, Sri K.T.Kondala Rao, former Assistant Engineer has filed OA No.9504/2008 before Hon'ble Andhra Pradesh Administrative Tribunal.

7. In the reference 10th read above, the Hon'ble Andhra Pradesh Administrative Tribunal has pronounced the orders, Dt.10.03.2011 that "Therefore, the O.A. is allowed. The impugned Memo No.629/Vig.II/A2/2003-5, Dated:26.9.2006, is set aside. The Respondents are directed to issue Show Cause Notice to the Applicant, as required under FR 54 (B) (5), and after giving opportunity to the Applicant, fresh Orders shall be passed regarding treatment of period of suspension within a period of four weeks from the date of receiving the representation in response to the Notice from the Respondents".

8. Accordingly, vide reference 11th read above, a notice has been issued to Sri K.T.Kondala Rao, former Assistant Engineer under FR 54(B)(5).

9. In the reference 12th read above, Sri K.T.Kondala Rao, former Assistant Engineer has submitted his representation and requested to treat the suspension period of 22.03.1991 to 15.08.1996 as "NOT ON DUTY" and regularizing the suspension period from 22.03.1991 to 15.08.1996 under FR 54(B)(7) read with G.O.Ms.No.307, Dt.03.12.2012 of Finance Department for the purpose of count for increments and pensionery benefits.

10. Govt., after careful examination of the matter, have decided and accordingly, hereby order that the suspension period from 22.03.1991 to 15.08.1996 of Sri K.T.Kondala Rao, former Assistant Engineer shall be treated as "Not on Duty" and be regularized by converting the eligible leave/EOL, after exhaustion of all available leave, which may counts for the purpose of notional increments and pension under FR 54-(B)(7) read with G.O.Ms.No.307, Finance (FR.II) Department, Dt.03.12.2012.

11. The Engineer in Chief, Panchayat Raj, A.P., Hyderabad shall take further action in the matter accordingly.

12. This order issues with the concurrence of the U.O.No.34236/784, FR.II/11, Dt.20.01.2012 of Finance Department.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S.JAWAHAR REDDY
SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief, Panchayat Raj, A.P., Hyderabad.
The individual through Engineer-in-Chief, P.R., A.P., Hyderabad.

Copy to:

The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.
The District Treasury Officer, Srikakulam District.
The Accountant General, Andhra Pradesh, Hyderabad,
SF/SC.

//FORWARDED : BY : ORDER //

SECTION OFFICER